

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE: §
§
FRANK TITUS AVIGNONE, IV and § CASE NO. 14-41587
SARAH SIEG AVIGNONE, § (Chapter 13)
§
§
DEBTORS. §

**LISA E. AVIGNONE-POTTER'S OBJECTION TO FRANK AVIGNONE'S
ENTITLEMENT TO CHAPTER 13 DISCHARGE ORDER**

TO THE HONORABLE BRENDA T. RHOADES, U.S. BANKRUPTCY JUDGE:

Lisa E. Avignone-Potter ("Avignone-Potter"), a creditor herein, files her Objection to Frank Avignone's Entitlement to Chapter 13 Discharge Order ("Objection") as follows:

1. On July 28, 2014 (the "Petition Date"), Frank Titus Avignone, IV and Sarah Sieg Avignone ("Debtors") filed with this Court a voluntary petition under Chapter 13 of the Bankruptcy Code. (the "Bankruptcy Case").

2. Carey Ebert is the acting Chapter 13 Trustee of the Debtors' bankruptcy case (the "Trustee").

3. Avignone-Potter is Frank Avignone's former wife and the mother of their two children. She is a priority creditor of the Debtors and had an allowed claim in the Bankruptcy Case of \$14,708.55 for domestic support obligations arising out of an enforcement action before the Collin County District Court (see page 4 of Doc. 27).

4. During the pendency of the Bankruptcy Case, Avignone-Potter sent notices to Frank Avignone for reimbursement of post-petition medical expenses to which Mr. Avignone was obligated pursuant to his domestic support obligations.

5. On September 15, 2019, the Trustee filed her Notice of Intent to Initiate Discharge Process in a Chapter 12/13 Case [Doc. 56].

6. As a part of the discharge process, Mr. Avignone certified that he had paid all domestic support obligations, including expressly those “which have become due and owing by me under any judicial or administrative order, or any statute since the commencement of this case.” [Doc. 58].

7. As of the filing of this Objection, \$3,205.54 in noticed and unpaid domestic support obligations remain unpaid. The expenses span the time period from July 2018 to October 2019. In addition, a \$2,500 check from Mr. Avignone for unreimbursed medical expenses has not cleared our firm’s bank account and so remains outstanding.

8. Accordingly, Avignone-Potter objects to the entry of Frank Avignone’s discharge order until such time as he pays all post-confirmation domestic support amounts owed.

WHEREFORE, PREMISES CONSIDERED, Avignone-Potter prays that the Court not enter Frank Avignone’s discharge order until she is paid no less than \$3,205.54, the pending check for \$2,500.00 clears the bank, and that Lisa Avignone-Potter be granted such other and further relief to which she may be justly entitled.

Respectfully submitted,

QUILLING, SELANDER, LOWNDS,
WINSLETT & MOSER, P.C.

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By: /s/ Linda S. LaRue
Linda S. LaRue
State Bar No. 24046269

ATTORNEYS FOR CREDITOR

CERTIFICATE OF SERVICE

I hereby certify that on the October 14, 2019, a true and correct copy of the foregoing document was served by first class mail, postage prepaid, on the persons and entities set forth on the attached service list and to the parties listed below:

Office of the U.S. Trustee
110 N. College Ave., Suite 300
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Carey Ebert, Chapter 13 Trustee
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/s/ Linda S. LaRue

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